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ATLANTIC RECORDING CORPORATION;
UMG RECORDINGS, INC.; SONY BMG MUSIC
ENTERTAINMENT; and WARNER BROS.
RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ATLANTIC RECORDING CORPORATION, a
Delaware corporation; UMG RECORDINGS,
INC., a Delaware corporation; SONY BMG
MUSIC ENTERTAINMENT, a Delaware
general partnership; and WARNER BROS.
RECORDS INC., a Delaware corporation,
Plaintiffs,

v.

JOHN DOE,
Defendant.

CASE NO. C 07-04098 PVT

Honorable Patricia V. Trumbull

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND [~~PROPOSED~~] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for November 13, 2007, at 2:00 p.m. to February 12, 2008. Plaintiffs further request,
3 pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to
4 serve the Summons and Complaint on Defendant John Doe ("Defendant") be extended from
5 December 7, 2007 to March 6, 2008.

6 Plaintiffs filed the Complaint against Defendant on August 9, 2007. Also on August 9, 2007,
7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the
8 Court's permission to serve a Rule 45 subpoena on University of California, Santa Cruz ("UC Santa
9 Cruz") so that Plaintiffs could obtain information sufficient to identify Defendant. On August 14,
10 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take
11 Immediate Discovery. Pursuant to the Court's Order, Plaintiffs have served UC Santa Cruz with a
12 Rule 45 subpoena directing UC Santa Cruz to produce certain documents and information necessary
13 to identify Defendant. The response date of Plaintiffs' subpoena is November 28, 2007.

14 Because Plaintiffs cannot identify Defendant until UC Santa Cruz has responded to
15 Plaintiffs' subpoena, there is not yet a known defendant with whom to confer, and a case
16 management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the
17 Court continue the case management conference currently set for November 13, 2007, at 2:00 p.m.
18 to February 12, 2008. Because the original time period for Plaintiffs to serve the Summons and
19 Complaint on Defendant will expire on December 7, 2007 (only nine days after Plaintiffs expect to
20 receive the subpoena response enabling them to identify Defendant), Plaintiffs further request that
21 the time to serve the Summons and Complaint on Defendant be extended to March 6, 2008.

22 Dated: November 6, 2007

HOLME ROBERTS & OWEN LLP

23 By: /s/ Matthew Franklin Jaksa
24 MATTHEW FRANKLIN JAKSA
25 Attorney for Plaintiffs
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ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for November 13, 2007, at 2:00 p.m. be continued to February 12, 2008.

IT IS FURTHER ORDERED that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant be extended to March 6, 2008.

Dated: November 7, 2007

By: *Patricia V. Trumbull*

Honorable Patricia V. Trumbull
United States Magistrate Judge